

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, JULY 12, 1983

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Hedgecock at 9:26 a.m. The meeting was recessed by Mayor Hedgecock at 9:29 a.m. to convene as the Redevelopment Agency. The meeting was reconvened by Mayor Hedgecock at 9:35 a.m. with Council Member Jones not present. Mayor Hedgecock recessed the meeting at 11:00 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened at 2:03 p.m. by Mayor Hedgecock with Council Members Cleator, McColl, and Struiksma not present. Mayor Hedgecock recessed the meeting at 2:11 p.m. Mayor Hedgecock reconvened the meeting at 3:03 p.m. with all members of the Council present. Mayor Hedgecock recessed the meeting at 3:55 p.m. Mayor Hedgecock reconvened the meeting at 4:07 p.m. with all members of the Council present. Mayor Hedgecock recessed the meeting at 4:48 p.m. Mayor Hedgecock reconvened the meeting at 4:50 p.m. with all members of the Council present. Mayor Hedgecock adjourned the meeting at 5:31 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Hedgecock-present.
  - (1) Council Member Mitchell-present.
  - (2) Council Member Cleator-present.
  - (3) Council Member McColl-present.
  - (4) Council Member Jones-present.
  - (5) Council Member Struiksma-present.
  - (6) Council Member Gotch-present.
  - (7) Council Member Murphy-present.
  - (8) Council Member Martinez-present.
- Clerk-Abdelnour (bb a.m.; mp p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

Mayor Hedgecock-present.  
Council Member Mitchell-present.  
Council Member Cleator-present.  
Council Member McColl-present.  
Council Member Jones-not present.  
Council Member Struiksma-present.

Council Member Gotch-present.  
Council Member Murphy-present.  
Council Member Martinez- present.

ITEM-330: CONTINUED TO JULY 19, 1983, 9:00 A.M.  
19830712

Six actions relative to Lopez Canyon Sewer and Retention Basin, Assessment District No. 3990, under Resolution of Intention

R-258560, adopted May 31, 1983 (Municipal Improvement Act of 1913):

(See City Manager Report CMR-83-196. Mira Mesa Community Area. District- 5.)

Subitem-A: (R-84-29)

Ordering changes and modifications in proceedings and assessments in an assessment district.

Subitem-B: (R-84-30)

Overruling and denying protests and making certain findings in a special assessment district.

Subitem-C: (R-84-31)

Finding and determining that the public interest, convenience and necessity require certain acquisition and improvements, and that the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply.

(Eight votes required)

Subitem-D: (R-84-32)

Confirming the assessment, ordering the improvements made, together with appurtenances, and approving the City Engineer's report.

Subitem-E: (R-84-33)

Awarding a contract for the construction of certain public works of improvements in a special assessment district.

Subitem-F: (R-84-34)

Accepting proposal and making award for sale of bonds, and providing for the establishment of a redemption fund for the payment of said bonds.

FILE LOCATION: STRT D-2239

COUNCIL ACTION: (Tape location: A009-028).

MOTION BY STRUIKSMA TO CONTINUE TO JULY 19, 1983, 9:00 A.M., AT CITY MANAGER BLAIR'S REQUEST TO RESOLVE SITUATION OF EASEMENTS ACROSS PRIVATE PROPERTY. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-331:  
19830712

Matters of:

- 1) Proposal to rescind the 1970 Kearny Vista Plan.
- 2) Proposal to rescind a portion of the existing 1970 Clairemont Mesa Community Plan.
- 3) Proposal to adopt the Linda Vista Community Plan.
- 4) Proposal to amend the Progress Guide and General Plan for the City of San Diego - to amend the Map concerning those portions covered by the above matters.

The Linda Vista Community Planning area comprises approximately 2,423 acres and is bounded on the south by Friars Road, on the west by I-5, on the north by Tecolote Canyon and Mesa College Drive, and on the east by State Route 163.

(District-5.)

Today's actions are:

Subitem-A: (R-83-296) ADOPTED AS RESOLUTION R-258874

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-81-11-10 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-83-294 Rev.) ADOPTED AS RESOLUTION R-258875

Adoption of a Resolution approving the Linda Vista Community Plan, rescinding the 1970 Kearny Vista Plan and a portion of the 1970 Clairemont Mesa Community Plan, to be effective when the amendment to the General Plan Map is adopted after a hearing on or about September 27, 1983.

Subitem-C: (R-84-113) ADOPTED AS RESOLUTION R-258876

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to

California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-81-11-10.

FILE LOCATION: LAND Linda Vista Community Plan

Hearing began at 9:35 a.m. and halted at 10:13 a.m.

Testimony in favor by Warren Nielson, Robert Fowble, George Scott, and Bernard Brady.

Testimony in opposition by Ruby Zellman.

COUNCIL ACTION: (Tape location: A100-B030).

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT SUBITEMS A, B AND

C WITH THE UNDERSTANDING THAT THE PLANNING DEPARTMENT CONSULT WITH

DISTRICTS 5 AND 6 TO TRY AND SHORTEN THE INTENDED 15-20 YEAR TIME SPAN; THAT THE MORENA AREA WOULD BE PLANNED BY THE MORENA AREA

PLANNING GROUP, CONSISTING OF RESIDENTS, BUSINESS OPERATORS AND PROPERTY OWNERS, AND THAT THEY HAVE THE FINAL DETERMINATION ON ANY

RECOMMENDATIONS SUBMITTED BY PRIVATE CONSULTANTS. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-332: (R-84-5) ADOPTED AS RESOLUTION R-258877

CCP- In the matter of the appeal of Alice H. DeWeese, et al, from the decision of the Planning Commission in approving Tentative Subdivision Map TM-80-57 and Condominium Conversion Permit

102, which proposed the conversion of 548 existing apartment units (Loma Palisades) to condominiums. The subject property is located on west side of West Point Loma Boulevard between Adrian Street and Bernard Elementary School, in the R-3 Zone and within the boundaries of the Midway Community Plan and is more particularly described as Lot 5, Loma Palisades Unit No. 3, Map-3798.

(TM-80-57 and CCP-102. District-2.)

(Planning Department recommended approval of the map and the permit; was opposition. Planning Commission voted 4-2 to approve the map and the permit.)

(R-84-5)

Today's action is adoption of a Resolution approving the Tentative Map TM- 80-57.

FILE LOCATION:

SUBD Loma Palisade and PERM CCP-102

COUNCIL ACTION: (Tape location: C061-076).

MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-333:  
19830712

(Continued from the meeting of June 28, 1983 at Council Member Gotch's request.)

Matters of:

1) Appeals of Buena Vista Gardens Tenants, by William Hatcher; Hans Jovishoff; Tecolote Canyon Citizens' Advisory Committee, by M. Eloise Battle; Patricia Stacy and Clairemont Mesa Development Committee, Inc., by Anita Stroman from the decision of the Planning Commission in approving a) Planned Residential Development PRD-82-0102 and b) Tentative Map TM-82-0102 (Villamar).

The Villamar development project includes the construction of 2,287 dwelling units and would require the removal of the existing Buena Vista Gardens apartments, containing 1,023 dwelling units on a 56-acre site in the R-3 Zone in the Clairemont Mesa community area. The tentative map creates 62 lots and vacates several streets, including Cowley Way between Dakota Drive and Iroquois Avenue, all of Knapp Street, Waco Street between Dakota Drive and Cowley Way, portions of Calle Neil and all alleys within the subdivision boundary.

The subject property is located on the east side of Clairemont Drive between Dakota Drive and Iroquois Avenue, adjacent to the Tecolote Canyon Park and is more particularly described as Clairemont Garden Map-2947 and Parcel Map PM-768.

2) A proposed amendment to the Clairemont-Mesa Community Plan to remove the designation of Cowley Way as a collector street. This community plan amendment would be required to close a section of Cowley Way between Dakota Drive and Iroquois Avenue as a public street as proposed by the Villamar project.

(PRD and TM-82-0102. District-6.)

Today's actions are:

Subitem-A: (R-84-60) ADOPTED AS RESOLUTION R-258878

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-82-0102 has been completed in compliance with the California Environmental

Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-84-61) ADOPTED AS RESOLUTION R-258879 DENYING APPEAL AND GRANTING PERMIT

Adoption of a Resolution granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

Subitem-C: (R-84-62) ADOPTED AS RESOLUTION R-258880 DENYING APPEAL AND GRANTING MAP

Adoption of a Resolution granting the appeal and denying the map, or denying the appeal and granting the map with appropriate findings to support Council action.

Subitem-D: (R-83-1932) ADOPTED AS RESOLUTION R-258881  
(Not required; community plan not amended.)

Adoption of a Resolution amending the community plan.

Subitem-E: (R-84-63) ADOPTED AS RESOLUTION R-258882

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-82-0102.

FILE LOCATION: Subitems-A, B and E PERM PRD-82-0102; Subitem-C SUBD Villamar; Subitem-D LAND Clairemont Mesa Comm. Plan  
COUNCIL ACTION: (Tape location: D028-G214).

Motion by Struiksma to recess until 3:00 p.m. at which time Council Member Cleator will be present. Second by Gotch. Passed.  
Yeas: 1,3,4,5,6,7,8,M. Nays: None. Not present: 2.

Hearing began at 3:03 p.m. and recessed at 3:55 p.m.

Hearing resumed at 4:07 p.m. and recessed at 4:48 p.m.

Hearing resumed at 4:50 p.m. and halted at 5:30 p.m.

Testimony in favor of the appeal by A. Stroman, E. Battle, W. Hatcher, H. Javishoff, M. Osterhaus, L. Langman, and W. Nielsen.

Testimony in opposition of the appeal by R. Williams, A. Schlaefli, and L. Wolfsheimer.

Motion by Gotch to adopt the following conditions to the permit. Second by Murphy.

(1) Leave Cowley Way open. Passed. Yeas: 1,4,5,6,7,8,M. Nays: 2,3. Not present: None.

(2) Pull back units away from the edge of the canyon. Passed. Yeas: 1,2,3,4,5,6,7,8,M. Nays: None. Not present: None.

(3) Provide 100 units as rental housing for the elderly with the provision as stated in the letter from Mr. Wolfsheimer. Passed.

Yeas: 1,2,3,4,5,6,7,8,M. Nays: None. Not present: None.

(4) Provide a back-up system pipe that will run from the pump to the bottom of the canyon (energy dissipator). Passed. Yeas:

1,2,3,4,5,6,7,8,M. Nays: None. Not present: None.

MOTION BY MARTINEZ TO CLOSE THE HEARING, ADOPT SUBITEM A,  
ADOPT

SUBITEM B DENYING THE APPEAL AND GRANTING THE PERMIT WITH THE CONDITIONS AS ADOPTED, ADOPT SUBITEM C DENYING THE APPEAL AND GRANTING THE MAP, AND ADOPT SUBITEMS D AND E. Second by Jones.

Passed by the following vote: Mitchell-nay, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-nay, Murphy-yea, Martinez-yea, Mayor Hedgecock-nay.

ITEM-S400: FAILED

SUBMITTED BY NORMAN V. SCHUTE

Should the City Council restore the name of the City's stadium to "San Diego Stadium"?

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B031-285).

MOTION BY MITCHELL TO PLACE ON BALLOT FOR ELECTION TO BE HELD NOVEMBER 8, 1983. Second by Cleator. Failed by the following vote:

Mitchell-yea, Cleator-yea, McColl-nay, Jones-nay, Struiksma-nay, Gotch-nay, Murphy-nay, Martinez-nay, Mayor Hedgecock-yea.

ITEM-S401: FILED

SUBMITTED BY DR. EDWIN D. WOODHOUSE

Provide for making a PREFERENTIAL BALLOT legal for any office where there are more than five (or four, as the Council deems best) candidates.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B286-453).

MOTION BY MARTINEZ TO FILE. Second by Cleator. Passed by the following vote: Mitchell-nay, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S402: FILED

SUBMITTED BY MELVIN SHAPIRO

Proposed Ballot Proposition to amend the S.D. City Charter  
A Council Member shall not establish or cooperate with any

campaign committee whose principal purpose is to elect the Council Member to an office other than Mayor or City Council. Permitting an independent campaign committee to use the Member's name shall be deemed to be cooperating with that committee. If a Council Member violates this Section, the Member's seat shall be declared vacant by the City Attorney.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B454-459 and C050-059).

MOTION BY MARTINEZ TO FILE. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch- yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S403: TO APPEAR ON BALLOT FOR ELECTION OF NOVEMBER 8, 1983

SUBMITTED BY THE CITY MANAGER

A. Amend Section 76 of the Charter of the City of San Diego to allow the use of a special tax as permitted by Article XIII A of the California Constitution for public improvements as may be approved by the electors of the City, or of any affected district if the proposed tax is to be levied upon less than the whole City, as follows:

SECTION 76. LIMIT OF TAX LEVY.

The tax levy authorized by the Council to meet the Municipal expenses for each fiscal year shall not exceed the rate of \$1.34 on each \$100.00 of assessed valuation of the real and personal property within the city. In addition to the foregoing tax levy, the Council, if necessary, shall levy annually a sum sufficient to meet the requirements of the pension funds herein provided for the Police and Fire Departments and the City Employees' Retirement Fund. No special tax shall be permitted except as expressly authorized by this Charter. The foregoing limitations shall not apply in the event of any great necessity of emergency, in which case they may be temporarily suspended, provided that no No special tax shall be permitted except as permitted by Art. XIII A, Section 4 of the California Constitution. No increase over said limits, except as in this Charter prescribed shall be made in any fiscal year unless authorized by ordinance adopted by the vote of two-thirds of the electors of this City, or of any affected district if the proposed tax is to be levied upon less than the whole City, voting on the proposition, and provided further that no indebtedness shall ever be incurred by The City of San Diego for public improvements which shall in the



aggregate exceed twenty-five percent (25%) of the assessed value of all real and personal property of such City, anything in this Charter contained to the contrary notwithstanding. This limitation on the part of the City to incur indebtedness shall be construed to include any indebtedness which may be incurred by special taxes or by the voting of bonds by the electors.

B. In the La Jolla Landscape District approve the levying of a special tax to fund the construction and maintenance of projects to landscape major streets and other significant public areas within the community.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B460-549).

MOTION BY MITCHELL TO HAVE PROPOSAL APPEAR ON BALLOT FOR ELECTION

OF NOVEMBER 8, 1983. Second by Murphy. Passed by the following vote: Mitchell- yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S404: CONTINUED TO JULY 18, 1983, 3:00 P.M.

SUBMITTED BY MAURICE R. CLARK

Provide for an election within the City of San Diego to give the taxpayers the right to determine whether or not the City of San Diego should obligate them to either operate, advance funds, finance, issue Municipal Bonds or furnish public improvements or services for a new proposed convention center.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B550-C031).

MOTION BY MARTINEZ TO CONTINUE TO JULY 18, 1983, 3:00 P.M. AT MAYOR HEDGECK'S REQUEST. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S405: FILED

T+1

SUBMITTED BY THE MIRA MESA TOWN COUNCIL

"Should a landscape maintenance district be established in Mira Mesa?"

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: C032-049).

MOTION BY STRUIKSMA TO FILE. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-UC-3: (R-84-118) ADOPTED AS RESOLUTION R-258883

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Sponsoring State legislation to be effective January 1, 1984, that would authorize the operator of the Stadium Club to hold a separate liquor license from the one held by Servomation.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D010-027).

MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Hedgecock at 5:31 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: G215-225).

MOTION BY CLEATOR TO ADJOURN IN HONOR OF THE MEMORY OF HANNAH K.

LARSEN. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.